



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2018

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THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD) No.5388 of 2018
(Criminal) and WMP(MD)No.5331 of 2018

P.Gopi

... Petitioner

-Vs-

1.The Superintendent of Police,
Theni District.

2.The Sub Inspector of Police,
Veerapandi Police Station,
Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent dated 09.03.2018 and quash the same and consequently direct the respondents to grant permission to perform the cultural program of "Adal Padal" programme on 26.03.2018 night at about 08.00 pm., to 11.00 pm., at Arulmigu Maha Sri Kaliyamman Thirukovil in connection with Panguni Festival is situated at Venkatachalapuram, Veerapandi Via, Theni District and to provide adequate police Protection based on the petitioner's representation dated 09.03.2018.

For Petitioner : Mr.R.Karthick Rajan

For Respondents : Mr.B.Bhagawathi
Government Advocate

O R D E R

This writ petition has been filed to quash the order passed by the second respondent dated 09.03.2018 and consequently, direct the respondents to grant permission to perform Aadal Padal' programme on 26.03.2018 between 08.00 pm., and 11.00 pm., in connection with the festival of Arulmigu Maha Sri Kaliyamman Thirukovil in connection with Panguni Festival situated at Venkatachalapuram, Veerapandi Via, Theni District and to provide adequate police Protection based on the petitioner's representation dated 09.03.2018.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.



3.The learned counsel appearing for the petitioner has submitted that the petitioner used to celebrate the Maha Sri Kalliamman Thirukovil Festival every year during the Tamil month of Panguni, and this year also, they have decided to celebrate the said function and hence, the petitioner has submitted a representation dated 09.03.2018, but the second respondent has rejected the said representation, without assigning any valid reason. Hence, he requests to set aside the order passed by the second respondent and direct the respondents to permit the petitioner to celebrate the festival with cultural programme of 'Aadal Padal'.

4.The learned Government Advocate has submitted that since there is a law and order problem, the petitioner's request has been rejected by the second respondent.

5.The second respondent has not assigned any specific reason for rejecting the petitioner's request. He has simply stated that there is a law and order problem, but, he has not mentioned any specific event, which creates law and order problem. Hence, the said order is quashed and consequently, the second respondent is directed to consider the petitioner's representation and pass order in accordance with law. At the time of passing order, the second respondent has to keep in mind the decision of the Hon'ble Supreme Court of India in the case of Church of God (Full Gospel) in India Vs. K.K.R, Majestic Colony Welfare Association and Ors, reported in 2001 - 1 - L.W. (Cr1.) 233.

6.With the aforesaid observations, this writ petition is disposed of. No costs. Consequently, WMP(MD)No.5331/2018 is closed.

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Theni District.

2.The Sub Inspector of Police,
Veerapandi Police Station,
Theni District.

+1CC to Mr.R.Karthic Rajan, Advocate, SR.No. 55172

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